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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,450	09/20/2003	Yurdaer Nezihi Doganata	CHA920030010US1	4523
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James R. Murray				
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			EXAMINER	
			DWIVEDI, MAHESH H	
			ART UNIT	PAPER NUMBER
			2168	
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			08/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/664,450

Applicant(s)

DOGANATA ET AL.

Examiner

Mahesh H. Dwivedi

Art Unit

2168

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 August 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-20.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).
13. ☐ Other: _____.


TM VO Mahesh Dwivedi
SUPERVISORY PATENT EXAMINER Patent Examiner, AU 2168
TECHNOLOGY CENTER 2100 08/29/2007

Continuation of 11. does NOT place the application in condition for allowance because: Applicants request for reconsideration filed on 08/16/2007 is acknowledged, but is not persuasive. Applicants argue on page 11 that "Applicant's attorney did not find in the Whitman patent, column 10, line 60 to column 11 to line 8, where terms of unsatisfied search queries are added to documents missed by unsatisfactory search queries, but turned up by enhanced queries, as contended by the Examiner. From applicant's attorneys reading of the section, it deals with entries into the query log 137 not with the addition of unsatisfactory search terms to the documents missed by the unsatisfactory search queries but turned up by the modified search terms. The Whitman patent discusses successful searches and stores the most highly scored phrases for subsequent lookup". However, the examiner wishes to point to Columns 10-11 of Whitman which state "Next, in step 550, the process looks up the key term/prefix pair in the search phrase table to determine whether there already is an entry with the search phrase. If the search phrase already exists under the key term/prefix pair, the process increments the search phrase's score (step 570). If, however, the search phrase is not in the table under the key term/prefix pair, then the process adds the search phrase with a default score (e.g., 1) (step 580). The process then repeats for each additional key term/prefix pair until all key terms in the search phrase have been traversed (steps 530, 590)" (Column 10, lines 66-67-Column 11, lines 1-4). The examiner further wishes to point to Column 12 of Whitman which states "As indicated above, the query server 132 uses the search phrase table 137 to select related search phrases to be suggested to the user. More specifically, when a user performs a search which identifies more than a predetermined number of items, the search phrase selection process ("selection process") 139 returns a set of related search phrases selected from the search phrase table 137 and these phrases are presented to the user together with a query result list (FIG. 8). An important benefit of this method is that it is highly efficient, allowing the query result page to be returned without adding appreciable delay. Further, the small delay added by the search phrase selection process can be completely avoided by optionally generating the related search phrases concurrently with the search of the bibliographic database 133 (rather than waiting to see if a threshold item count is reached). As note above, in one embodiment, the selection process 139 is invoked only for single-term queries" (Column 12, lines 48-65). The examiner further notes that each of the query terms in Whitman's method (see prefix) are labeled under a general key term (see key term/prefix pair), and as a result are added to all documents located by the successful queries; either through an incremental increase or through the physical addition, if it was not found in the key term/prefix pair. The examiner further wishes to state that Whitman's method embeds the query terms in the document through the physical addition/incremental increase for future searching since the table is used for all future searches. Moreover, since a default score of 1 is inputted for a newly found prefix/key term pair in Whitman, the resultant addition is akin to the addition of terms to the documents as claimed since both use the additions to search aids in future user queries. Applicants argue on page 12 that "In addition, the modification of queries is not automatic, as stated by the Examiner on page 6 of his action but involves user intervention "(e.g., one click of the mouse)" as stated on page 5 of the action. However, the examiner wishes to point to Column 14 of Whitman which states "in one embodiment, the query server 132 automatically selects the related search phrase at the top of related search phrase list (such as the term "walkin the dog" in the FIG. 8 example), and searches the query result to identify a subset of query result items that include this related search phrase. The query server 132 thereby effectively applies the "top" suggested modified search query to the bibliographic database 133. This process could be repeated using additional related search phrases in the list. The items within the subset can then be displayed to the user at the top of the query result, and/or can be displayed in highlighted form. Further, the query server 132 could cache the list of items that fall within the subset, so that if the user submits the modified query (such as by clicking on the link "walkin the dog" in FIG. 8), the query server could return the result of the modified search without having to search the bibliographic database. Special tags or codes could be embedded within the modified-query hyperlinks and passed to the web site 130 to enable the query server 132 to match the modified search queries to the cached results" (Column 14, lines 25-44). The examiner further wishes to state that it is clear that Whitman's method automatically modifies user queries (see "the query server 132 automatically selects the related search phrase at the top of related search phrase list (such as the term "walkin the dog" in the FIG. 8 example), and searches the query result to identify a subset of query result items that include this related search phrase").